

NOV 16 2022

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

US DISTRICT COURT
WESTERN DISTRICT OF NC

DOCKET NO.: 3:22cr259-KDB-DCK

UNITED STATES OF AMERICA

v.

MICHAEL SEPAR

)
)
) CONSENT ORDER AND
) JUDGMENT OF FORFEITURE
)

BASED UPON the Defendant's plea of guilty and finding that there is a nexus between the property listed below and the offense(s) to which the Defendant has pled guilty and that the Defendant (or any combination of Defendants in this case) has or had a possessory interest or other legal interest in the property, IT IS HEREBY ORDERED THAT:

1. The following property is forfeited to the United States pursuant to 18 U.S.C. § 924, 21 U.S.C. § 853, and/or 28 U.S.C. § 2461(c), provided, however, that forfeiture of specific assets is subject to any and all third-party petitions under 21 U.S.C. § 853(n), pending final adjudication herein:

- One Glock 19, 9mm pistol, serial number AAKF437 and ammunition seized on July 28, 2021;
- One U.S.A Military Surplus, model 1911A1, 45 caliber pistol, serial number 694206¹ and ammunition seized on July 28, 2021;
- One Auto-Ordinance 1911, 45 caliber pistol, serial number AOA53673 and ammunition seized on July 28, 2021;
- One Romarm, model WASR-10, 762 rifle, serial number 21A1-88818 and ammunition seized on July 28, 2021;
- One Rossi, model M88, 38 caliber revolver, serial number W427386 and ammunition seized on July 29, 2021;
- One Maverick, model 88, 12-gauge shotgun, serial number MV0411970 and ammunition seized on July 29, 2021; and
- Assorted ammunition seized on July 29, 2021.

2. The United States Marshals Service, the investigative agency, and/or the agency contractor is authorized to take possession and maintain custody of the above specific asset(s).

3. If and to the extent required by Fed. R. Crim. P. 32.2(b)(6), 21 U.S.C. § 853(n), and/or other applicable law, the United States shall publish notice and provide direct written notice of forfeiture.

¹ Firearm description is listed as Springfield .45 caliber pistol in the Bill of Information, but further research shows the description above is the accurate description of the firearm.

4. Any person, other than the Defendant, asserting any legal interest in the property may, within thirty days of the publication of notice or the receipt of notice, whichever is earlier, petition the court for a hearing to adjudicate the validity of the alleged interest.


5. Pursuant to Fed. R. Crim. P. 32.2(b)(3), upon entry of this order, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate, or dispose of the property, including depositions, interrogatories, and request for production of documents, and to issue subpoenas pursuant to Fed. R. Civ. P. 45.


6. As to any specific assets, following the Court's disposition of all timely petitions, a final order of forfeiture shall be entered. If no third-party files a timely petition, this order shall become the final order of forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2), and the United States shall have clear title to the property, and shall dispose of the property according to law.

The parties stipulate and agree that the aforementioned asset(s) constitute property involved in or used in the offense(s) and are therefore subject to forfeiture pursuant to 18 U.S.C. § 924, 21 U.S.C. § 853, and/or 28 U.S.C. § 2461(c). The Defendant hereby waives the requirements of Fed. R. Crim. P. 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment against Defendant. If the Defendant has previously submitted a claim in response to an administrative forfeiture proceeding regarding any of this property, Defendant hereby withdraws that claim. If Defendant has not previously submitted such a claim, Defendant hereby waives all right to do so. As to any firearms listed above and/or in the charging instrument, Defendant consents to destruction by federal, state, or local law enforcement authorities upon such legal process as they, in their sole discretion deem to legally sufficient, and waives any and all right to further notice of such process or such destruction.


DENA J. KING
UNITED STATES ATTORNEY


ALFREDO DE LA ROSA
Assistant United States Attorney

x 
MICHAEL SEPAR
Defendant


SAMUEL J. RANDALL, ESQ.
Attorney for Defendant

Signed this the 16 day of November, 2022.


THE HONORABLE DAVID S. CAYER
UNITED STATES DISTRICT JUDGE
Magistrate